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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,222	05/02/2001	Jens Weber	10191/1707	3908
26646	7590	06/29/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			MARTINEZ, DAVID E	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/744,222

Applicant(s)

WEBER ET AL.

Examiner

David E Martinez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 6-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

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## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/22/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

The information disclosure statement filed 1/22/01 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1. With regards to claims 6-11, the claims mention "a central computer" and a "local computer". It is not clear as to whether both the central computer and local computers can be computers such as desktop and laptop (notebook) computer machines connected to each other, or if they can be simple processors in charge of subsystems within a vehicle. Due to the vagueness and a lack of clear definiteness in the claims, the claims have been treated on their merits as best understood by the examiner.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,091,856 to Hasegawa et al. (Hasegawa). in view of RFC 791 "Internet Protocol".

2. With regards to claim 6, Hasegawa teaches a controller for a plurality of electric loads of a motor vehicle [abstract] comprising:

a central computer [fig 1 element 1 column 2 lines 25-35];

a databus [fig 1 element 17 column 2 lines 59-66]; and

a plurality of local computers [fig 1 control units attached to databus 17, column 2 lines 59-66], each local computer corresponding to and configured to control a respective one of the electric loads [column 3 line 45 to column 4 line 2], each local computer being connected to the central computer via the databus [fig 1 element 17] and being configured to exchange control data [column 2 line 67 to column 3 line 5] via the databus [fig 1 element 17];

wherein each electric load is arranged with the respective local computer in one of a plurality of load modules and is controlled by the respective local computer within the load module [the control units disclosed in column 2 lines 59-66, take instructions from the "central computer" element 1 above, and implement said instructions within their respective subsystem to satisfy the central computer's demands, column 2 line 67 to column 3 line 5 and column 3 line 45 to column 4 line 2];

wherein the central computer is in a client-server relationship with each of the local computers [column 2 line 66 to column 3 line 5]; and

wherein the central computer and the local computers define an intranet [fig 1 element 1, and local computer elements connected on bus 17 (e.g. elements 19, 21) make up a restricted computer network i.e. an internet].

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Hasegawa teaches all of the above limitations except for exchanging control data according to an internet protocol.

However, RFC 791 teaches the use of internet protocol over a network for the benefit of providing a verification that the information has been transmitted correctly from a source to a destination, [page 3 of RFC 791]

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of both Hasegawa and the RFC 791 to use an internet protocol for exchanging data for the benefit of verifying that the information has been transmitted correctly from a source to a destination.

3. With regards to claim 7, Hasegawa teaches the controller according to claim 6, wherein one of the plurality of load modules includes a set of the electric loads, the set of the electric loads being controlled by one of the local computers [column 3 line 45 to column 4 line 2].

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,091,856 to Hasegawa et al. (Hasegawa). In view of RFC 791 "Internet Protocol" as applied above, further in view of US Patent No. 4,594,571 to Neuhaus et al. (Neuhaus).

4. With regards to claim 8, the combination of Hasegawa and RFC 791 fail to teach the controller according to claim 7, wherein the databus includes a plurality of bus lines arranged in a star network between the central computer and the load modules, however, Neuhaus teaches the use of a databus including a plurality of bus lines arranged in a star network between the central computer and the load modules in a vehicle because it provides greater reliability and security [column 2 lines 11-43].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hasegawa, RFC 791, and Neuhaus to have the databus include a

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plurality of bus lines arranged in a star network between the central computer and the load modules for the benefit of greater reliability and security.

5. With regards to claim 9, Hasegawa teaches the controller according to claim 6, wherein each local computer includes a server program for the data exchange [column 2 line 66 to column 3 line 5, column 3 line 45 to column 4 line 15] and wherein the central computer includes a browser program [column 2 lines 50-58, column 11 lines 18-29].

6. With regards to claim 10, Hasegawa teaches The controller according to claim 9, wherein the server program includes a microserver program [column 3 line 45 to column 4 line 15].

7. With regards to claim 11, Hasegawa teaches The controller according to claim 9, further comprising a display device [fig 1 element 15] connected to the central computer, the display device being configured to display a home page of a respective one of the local computers selected for control [fig 8, column 7 line 61 to column 8 line 11].

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,752,008 to Bowling.

US Patent No. 5,555,502 to Opel.

US Patent No. 5,303,348 to Botzenhardt et al.

US Patent No. 4,630,043 to Haubner et al.

US Patent No. 5,808,374 to Miller et al.

US Patent No. 6,025,655 to Hopf.

US Patent No. 6,032,089 to Buckley.

US Patent No. 6,275,231 to Obradovich.

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US Patent No. 6,023,232 to Eitzenberger.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E Martinez whose telephone number is (703) 305-4890. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEM

  
JEFFREY GAFFIN  
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TECHNOLOGY CENTER 2100